IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3723 OF 2006

Anil Surolia & Sharma Applicant
versus
The State of Maharashtra Respondent

Mr.Udaipuri i/by Udaipuri & Co. for applicant.
Mr.S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 16th October 2006

PC :

1. It is rather unfortunate that the Special Investigation Department of this Court is taking its own sweet time to investigate into the serious allegations against a Judicial Officer who is supposed to have borrowed monies from one of the litigant in a Criminal Court and it is Mr.Udaypuri’s contention that instead of repaying that amount of loan to the applicant, who is a complainant in the same Court where the Judicial Magistrate, First Class, is presiding, that the learned Judicial Magistrate has involved him in a false case of theft insofar as original Court Record is concerned. It is only in the light of

delay on the part of SID that I am constrained to accept these allegations as being prima facie with substance and on account of the same the applicant deserves to be enlarged on anticipatory bail in the event of his arrest in the subject CR No.I-77 of 2006 registered at Vasai Police Station, Vasai, District Thane. Hence, following order.

2. ORDER :-

(i) In the event of the arrest of the applicant in connection with C.R.No.I-77 of 2006 registered with Vasai Police Station, Vasai, District Thane, the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.5,000/- (Rs.Five thousand only) with one or two local sureties in the like sum;

(ii) The bail is granted subject to condition that the applicant will attend Vasai Police Station Police Station as and when summoned;

(iii) The SID, Bombay High Court is directed to investigate into this complaint and submit report to the appropriate authorities within a period of ten days from today;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence;

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial;

(vi) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief;

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)